

controlled at the establishments, or insanitary water is used in preparing meat or meat food products for human food); or

(iv) It is, in whole or in part, the product of an animal that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by a Program Inspector as one producing adulterated product, which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program Inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him ten days to present his views or make the nec-

essary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of titles I and IV of the Act as though engaged in commerce.

(3) Thereafter the Program Inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with part 329 of this subchapter: *Provided*, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any products unless it first obtains inspection or qualifies for exemption under §303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in §331.3 of this part shall apply to such establishments.

**§331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.**

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of act and regulations	Classes of operators	State	Effective date of designation
Act, section 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or preparing, freezing, packaging or labeling any livestock carcasses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, wholesaler, or otherwise), transporting or storing any livestock carcasses or parts or products thereof; or (3) business as a renderer, or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or parts of carcasses of any livestock that died otherwise than by slaughter.	Arkansas ..... California ..... Colorado ..... Connecticut ..... Guam ..... Idaho ..... Kentucky ..... Maine ..... Maryland ..... Massachusetts .. Michigan ..... Missouri ..... Nebraska ..... Nevada ..... New Hampshire ..... New Jersey ..... New York ..... North Dakota ..... Northern Mariana Islands. Oregon ..... Pennsylvania ..... Puerto Rico ..... Rhode Island ..... Tennessee ..... Virgin Islands ... Washington ..... Arkansas ..... California ..... Colorado ..... Connecticut ..... Guam ..... Idaho ..... Kentucky ..... Maine ..... Maryland ..... Massachusetts .. Michigan ..... Missouri ..... Nebraska ..... Nevada ..... New Hampshire ..... New Jersey ..... New York ..... North Dakota ..... Northern Mariana Islands. Oregon ..... Pennsylvania ..... Puerto Rico ..... Rhode Island ..... Tennessee ..... Virgin Islands ... Washington .....	Mar. 29, 1982. Apr. 1, 1976. July 1, 1975. Oct. 1, 1975. Nov. 19, 1976. Mar. 29, 1982. Apr. 18, 1973. Feb. 9, 1981. Mar. 31, 1991. Jan. 12, 1976. Mar. 29, 1982. Jan. 31, 1975. Jan. 31, 1975. Jan. 31, 1975. Oct. 29, 1979. July 1, 1975. July 16, 1975. July 23, 1973. Oct. 29, 1979. Jan. 31, 1975. May 2, 1974. Nov. 19, 1976. Mar. 29, 1982. Oct. 1, 1975. Nov. 19, 1976. Jan. 31, 1975. Mar. 29, 1982. Apr. 1, 1976. July 1, 1975. Oct. 1, 1973. Nov. 19, 1976. Mar. 29, 1982. Apr. 18, 1976. Feb. 9, 1981. Mar. 31, 1991. Jan. 12, 1975. Mar. 29, 1982. Jan. 31, 1975. Jan. 31, 1975. Oct. 29, 1979. July 1, 1975. July 16, 1973. July 23, 1975. Oct. 29, 1979. Jan. 31, 1974. May 2, 1975. Nov. 19, 1976. Mar. 29, 1982. Oct. 1, 1975. Nov. 19, 1976. Jan. 31, 1975.
Act, 203; § 320.5 .....	Persons engaged (not in or for commerce) in business as a meat broker; renderer; animal food manufacturer; wholesaler or public warehouseman of livestock carcasses, or parts or products thereof; or buying, selling, or transporting any dead, dying, disabled, or diseased livestock, or parts of carcasses of any such livestock that dies otherwise than by slaughter.	Arkansas ..... California ..... Colorado ..... Connecticut ..... Guam ..... Idaho ..... Kentucky ..... Maine ..... Maryland ..... Massachusetts .. Michigan ..... Missouri ..... Nebraska ..... Nevada ..... New Hampshire ..... New Jersey ..... New York ..... North Dakota ..... Northern Mariana Islands. Oregon ..... Pennsylvania ..... Puerto Rico ..... Rhode Island ..... Tennessee ..... Virgin Islands ... Washington ..... Arkansas ..... California ..... Colorado ..... Connecticut ..... Guam ..... Idaho ..... Kentucky ..... Maine ..... Maryland ..... Massachusetts .. Michigan ..... Missouri ..... Nebraska ..... Nevada ..... New Hampshire ..... New Jersey ..... New York ..... North Dakota ..... Northern Mariana Islands. Oregon ..... Pennsylvania ..... Puerto Rico ..... Rhode Island ..... Tennessee ..... Virgin Islands ... Washington .....	Mar. 29, 1982. Apr. 1, 1976. July 1, 1975. Oct. 1, 1973. Nov. 19, 1976. Mar. 29, 1982. Apr. 18, 1976. Feb. 9, 1981. Mar. 31, 1991. Jan. 12, 1975. Mar. 29, 1982. Jan. 31, 1975. Jan. 31, 1975. Jan. 31, 1975. Oct. 29, 1979. July 1, 1975. July 16, 1973. July 23, 1975. Oct. 29, 1979. Jan. 31, 1974. May 2, 1975. Nov. 19, 1976. Mar. 29, 1982. Oct. 1, 1975. Nov. 19, 1976. Jan. 31, 1975. Mar. 29, 1982. Apr. 1, 1976. July 1, 1975. Oct. 1, 1973. Nov. 19, 1976. Mar. 29, 1982. Apr. 18, 1973. Feb. 9, 1981. Mar. 31, 1991. Jan. 12, 1976. Mar. 29, 1982. Jan. 31, 1975. Oct. 29, 1979. July 1, 1975. July 16, 1975. July 23, 1973. Oct. 29, 1979. Jan. 31, 1975. May 2, 1974. Nov. 19, 1976.
Act, 204; §§ 325.20 and 325.21.	Persons engaged (not in or for commerce) in the business of buying, selling or transporting any dead, dying, disabled or diseased animals, or parts of carcasses of any animals that died otherwise than by slaughter.	Arkansas ..... California ..... Colorado ..... Connecticut ..... Guam ..... Idaho ..... Kentucky ..... Maine ..... Maryland ..... Massachusetts .. Michigan ..... Missouri ..... Nebraska ..... Nevada ..... New Hampshire ..... New Jersey ..... New York ..... North Dakota ..... Northern Mariana Islands. Oregon ..... Pennsylvania ..... Puerto Rico .....	Mar. 29, 1982. Oct. 1, 1975. Nov. 19, 1976. Mar. 29, 1982. Apr. 18, 1973. Feb. 9, 1981. Mar. 31, 1991. Jan. 12, 1976. Mar. 29, 1982. Jan. 31, 1975. Oct. 29, 1979. July 1, 1975. July 16, 1975. July 23, 1973. Oct. 29, 1979. Jan. 31, 1975. May 2, 1974. Nov. 19, 1976.

Sections of act and regulations	Classes of operators	State	Effective date of designation
		Rhode Island .....	Mar. 29, 1982.
		Virgin Islands ....	Nov. 19, 1976.
		Washington .....	Jan. 31, 1975.

[35 FR 19667, Dec. 29, 1970]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 331.6, see the List of CFR Sections Affected in the Finding Aids section of this volume.

## PART 335—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE FEDERAL MEAT INSPECTION ACT

### Subpart A—General

Sec.

335.1 Scope and applicability of rules of practice.

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335.20 Notification to operator of establishment of incident.

335.21 Procedure upon failure of operator of establishment to take action required by § 305.5(b) of the regulations.

### Subpart D—Rules Applicable to Suspension of Assignment of Inspectors Under Section 3(b) of the Federal Meat Inspection Act

335.30 Suspension of the assignment of inspectors under section 3(b) of the Act.

335.31 Written notification to operator of establishment of incident.

335.32 Procedure upon receipt of the establishment answer.

### Subpart E—Criminal Violations

335.40 Opportunity for presentation of views before report of criminal violations.

AUTHORITY: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

SOURCE: 42 FR 10960, Feb. 25, 1977, unless otherwise noted.

### Subpart A—General

#### § 335.1 Scope and applicability of rules of practice.

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under sections 4, 6, 7(e), 8, and 401 of the Federal Meat Inspection Act (21 U.S.C. 604, 606, 607(e), 608 and 671). In addition, the Supplemental Rules of Practice set forth in subpart B of this part shall be applicable to such proceedings.

(b) The rules of practice set forth in subpart C of this part shall be applicable to the suspension of assignment of inspectors for threats to forcibly assault or forcible assault, intimidation or interference with any inspection service employee pursuant to § 305.5(b) of the regulations (9 CFR 305.5(b)) under the Federal Meat Inspection Act. In addition, the definitions applicable to proceedings under the Uniform Rules of Practice (7 CFR 1.132) shall apply with equal force and effect to proceedings under subpart C.

(c) The rules of practice set forth in subpart D of this part shall be applicable to the suspension of assignment of inspectors under section 3(b) of the Act (21 U.S.C. 603(b)). In addition, the definitions applicable to proceedings under the Uniform Rules of Practice (7 CFR